

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	
)	No. 1:18-CR-457-AJT
BIJAN RAFIEKIAN, <i>et al.</i> ,)	
)	
Defendants.)	

GOVERNMENT’S BILL OF PARTICULARS

On February 13, 2019, the Court directed the United States to file a bill of particulars with regard to paragraphs 56 and 57 of the indictment and to “state specifically what information provided in the referenced responses to Paragraphs 7 and 8 of the FARA registration was false.” The following is provided in response to the Court’s order.

1. As alleged in paragraph 56 of the indictment, in response to paragraph 7 of Company A’s FARA Registration Statement, which asked “List every foreign principal for whom the registrant is acting or has agreed to act,” the defendants listed only Company B. This response falsely stated a material fact, omitted a material fact required to be stated therein, and omitted a material fact necessary to make the statements therein not misleading, in that it failed to list the Government of Turkey, Senior Turkish Leader #1, Senior Turkish Leader #2, Turkish Minister #1, Turkish Minister #2, or a Turkish minister (“Turkish Minister #3”) who was present at the meeting in New York City on September 19, 2016, which is referred to in paragraph 28 of the indictment.

2. As alleged in paragraph 56 of the indictment, paragraph 8 of Company A’s FARA Registration Statement asked “[W]ill you engage or are you engaging now in activity on your

own behalf which benefits any . . . of your foreign principals?” The defendants responded, “[D]uring the course of the engagement and thereafter, [Company A] officials (particularly [Person A], in his capacity as a public figure separate from [Company A]) frequently wrote, spoke, or provided interviews relating to national security. Although not undertaken at the direction of any foreign principal, including but not limited to [Company B], it is possible that such activities may have had an indirect benefit to [Company B].” This response falsely stated a material fact, omitted a material fact required to be stated in the Registration Statement, and omitted a material fact necessary to make the statements in the Registration Statement not misleading, in that:

a. It failed to list as foreign principals the Government of Turkey, Senior Turkish Leader #1, Senior Turkish Leader #2, Turkish Minister #1, Turkish Minister #2, or Turkish Minister #3.

b. It stated that Person A’s activities were undertaken as a public figure separate and apart from Company A, when in fact they were undertaken as part of Company A’s agreement with Company B and on behalf of the Government of Turkey or the Turkish officials listed above.

c. It stated that Person A’s activities were not undertaken at the direction of any foreign principal, when in fact they were undertaken at the direction of the Government of Turkey or the Turkish officials listed above.

d. It stated that Person A’s activities were not undertaken at the direction of Company B, when in fact they were undertaken at the direction Company B, as well as the Government of Turkey or the Turkish officials listed above.

e. It implied that Person A's activities had only an indirect benefit to Company B, when in fact they were undertaken as part of Company A's agreement with Company B and on behalf of the Government of Turkey or the Turkish officials listed above.

Respectfully submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

_____/s/_____
Evan N. Turgeon
Trial Attorney
Counterintelligence
and Export Control Section
National Security Division
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 353-0176
Evan.Turgeon@usdoj.gov

By: _____/s/_____
James P. Gillis
Virginia Bar No. 65055
John T. Gibbs
Virginia Bar No. 40380
Assistant United States Attorney
The Justin W. Williams
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700
(703) 299-3982 (fax)
James.P.Gillis@usdoj.gov
John.Gibbs@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2019, I electronically filed the foregoing using the CM/ECF system, which will send a notification of such filing to counsel of record.

Respectfully submitted,

/s/
James P. Gillis
Assistant United States Attorney